

PHARMACY BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76 and 2009 Iowa Code Supplement section 155A.6B, the Board of Pharmacy hereby amends Chapter 1, “Purpose and Organization,” and Chapter 3, “Pharmacy Technicians”; adopts new Chapter 5, “Pharmacy Support Persons”; and amends Chapter 6, “General Pharmacy Practice,” Chapter 7, “Hospital Pharmacy Practice,” Chapter 8, “Universal Practice Standards,” Chapter 14, “Public Information and Inspection of Records,” Chapter 16, “Nuclear Pharmacy Practice,” Chapter 18, “Centralized Prescription Filling and Processing,” Chapter 25, “Child Support Noncompliance,” Chapter 31, “Student Loan Default or Noncompliance with Agreement for Payment of Obligation,” Chapter 32, “Nonpayment of State Debt,” and Chapter 36, “Discipline,” Iowa Administrative Code.

In Item 10, the rules in new Chapter 5 establish a registration program for pharmacy support persons, including identification of individuals required to register or exempt from registration as pharmacy support persons, timeliness of registration, the information to be provided with an application for registration, registration and renewal fees, and penalties for late registration or renewal. The rules identify the tasks that may be performed by a pharmacy support person under the direct supervision of a pharmacist and also identify tasks that may not be delegated to a pharmacy support person, place the ultimate responsibility for tasks performed by a pharmacy support person with the supervising pharmacist, identify the basis for denial of an application for registration, and identify the grounds for disciplinary action against the registration of a pharmacy support person including the sanctions that may be imposed pursuant to disciplinary action.

Amendments to Chapter 3 in Items 3 to 7 are necessary due to the establishment of the new pharmacy support person registration program in new Chapter 5. Identification of tasks that may be delegated to pharmacy support persons resulted in the need to amend language regarding the delegation of technical functions to pharmacy technicians to ensure that the duties and functions authorized for each group of registrants are clearly delineated.

The remaining amendments in Items 11 through 18 and Items 21 through 25 amend terminology to maintain consistency in references to pharmacy support persons, authorize the pharmacist in charge of a pharmacy to identify tasks that a pharmacy support person may perform in the temporary absence of the supervising pharmacist subject to the final approval of the supervising pharmacist, and establish requirements for the utilization of pharmacy support persons in general and hospital pharmacy practice and in nuclear pharmacy practice.

Items 1, 2, 19, and 20 identify the registration of pharmacy support persons as a responsibility of the Board of Pharmacy and identify the types and format of program records that will be maintained including designation of confidential and public records. Items 26 through 31 identify registrations issued to pharmacy support persons as subject to suspension or revocation due to nonpayment of certain debts, including nonpayment of child support, debts owed to the state of Iowa, and nonpayment of student loan obligations. Items 32 through 41 amend rules relating to disciplinary actions to ensure that registrations issued to pharmacy support persons are subject to the same rights, responsibilities, and procedures as other licenses and registrations under the Board’s jurisdiction.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the December 16, 2009, Iowa Administrative Bulletin as **ARC 8380B**. The Board received written comments from one pharmacist regarding the proposed amendments. In response to those comments, the Board made the following changes to the amendments published under Notice:

- Item 6 has been revised by retaining the term “on site” from the current language, eliminating the proposed term “present,” and adding “and available,” to clarify the intent and extent of the required pharmacist supervision of a pharmacy technician’s activities. Subrule 3.21(1) now reads as follows:

“3.21(1) Technical dispensing functions. A pharmacist may delegate technical dispensing functions to an appropriately trained and registered pharmacy technician, but only if the pharmacist is on site and available to supervise the pharmacy technician when delegated functions are performed, except as provided in 657—subrule 6.7(2) or 657—subrule 7.6(2), as appropriate, or as provided for telepharmacy in 657—Chapter 9. The pharmacist shall provide and document the final verification for the accuracy, validity, completeness, and appropriateness of the patient’s prescription or medication order prior to the delivery of the medication to the patient or the patient’s representative. A pharmacy technician shall not delegate technical functions to a pharmacy support person.”

- In Item 7, numbered paragraph “6,” the phrase “a hospital nursing unit” has been changed to “a hospital patient care unit” to include an area within the hospital that may not be supervised by nursing staff.

- In Item 10, subrule 5.4(1), the effective date of the rules regarding the registration of pharmacy support persons has been changed from April 1 to June 1, 2010.

- In rule 657—5.5(155A), numbered paragraph “4” has been changed to clarify that the intent of pharmacist or pharmacy technician supervision of facility maintenance personnel within the pharmacy department is to ensure medication security and patient privacy. The final phrase of the paragraph has been deleted because it is redundant. Paragraph “4” now reads as follows:

“4. Facility maintenance personnel including but not necessarily limited to cleaning, sanitation, structural, and mechanical maintenance personnel. Facility maintenance personnel deemed exempt from registration shall be directly supervised by a pharmacist or a certified pharmacy technician who is responsible for the maintenance person’s activities within the pharmacy department to ensure medication security and patient privacy.”

- In the same rule, numbered paragraph “5” has been revised by adding administrative support persons functioning outside the pharmacy department to those who are exempt from registration as pharmacy support persons. Paragraph “5” now reads as follows:

“5. Any person not directly employed by or under contract to the pharmacy, and not under the direct supervision of a pharmacist, who provides data processing, billing, maintenance, or administrative support functions outside the pharmacy department.”

- In subrule 5.25(3), language regarding unlawful discrimination has been updated. The subrule now reads as follows:

“5.25(3) Discrimination. It is unethical for a pharmacy support person to unlawfully discriminate between patients or groups of patients for reasons of religion, race, creed, color, sex, sexual orientation, gender identity, age, national origin, or disease state when providing pharmaceutical services.”

The amendments were approved during the March 9, 2010, meeting of the Board of Pharmacy.

These amendments will become effective on June 1, 2010.

These amendments are intended to implement Iowa Code sections 147.55, 147.107, 155A.3, 155A.6A, 155A.13, 155A.18, 155A.23 and 155A.33 and 2009 Iowa Code Supplement section 155A.6B.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amend Chs 1, 3, 6 to 8, 14, 16, 18, 25, 31, 32, 36; adopt Ch 5] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8380B**, IAB 12/16/09.

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[For replacement pages for IAC, see IAC Supplement 4/7/10.]